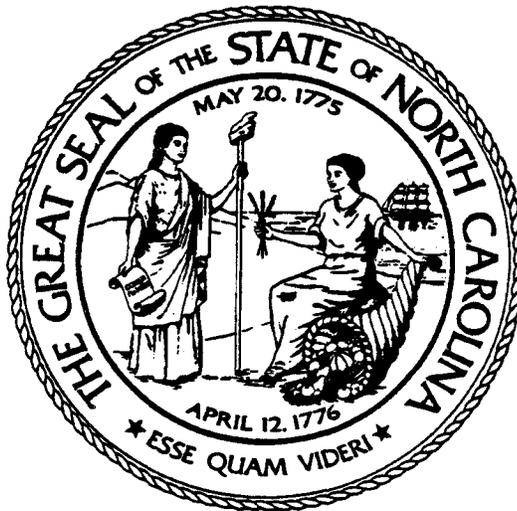


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**REPORT TO THE
1993 GENERAL ASSEMBLY
OF NORTH CAROLINA**

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December 29, 1992

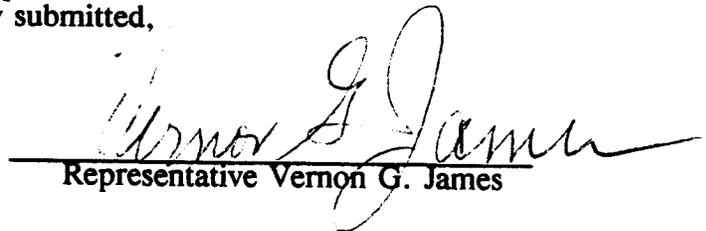
TO THE MEMBERS OF THE 1993 GENERAL ASSEMBLY:

The Commission on Agriculture, Forestry and Seafood Awareness herewith submits to you for your consideration its report.

Respectfully submitted,



Senator James Davis Speed



Representative Vernon G. James

Cochair
Commission on Agriculture, Forestry,
and Seafood Awareness



INTRODUCTION

Executive Summary

The Agriculture, Forestry, and Seafood Awareness Study Commission met on seven occasions during the 1991-1992 biennium; four times from December 1991 through May 1992 before the 1992 Regular Session of the 1991 General Assembly, and three times after the adjournment, sine die, of the 1991 General Assembly. During the meetings prior to the 1992 Regular Session, the Commission accepted the request of the Legislative Research Commission to study the issue of assessments on turfgrass and forage. Section 2.1(15) of Chapter 754 of the 1991 Session Laws, (Senate Bill 917). However, at the request of turfgrass industry representatives, the Commission did not pursue and complete the study.

The Commission filed an interim report for the 1992 Regular Session that included six legislative proposals. For a copy of the proceedings and recommendations from the first four meetings, please contact the Legislative Librarian and request a copy of the Agriculture, Forestry and Seafood Study Commission's Report to the 1992 Regular Session of the 1991 General Assembly.

During the final three meetings conducted after the 1992 Regular Session, the Commission traveled to Duplin County and to Cleveland County to gather input from the agricultural community on needs that could be addressed by the legislature. Similar themes were echoed at both meetings: farmers need to get a greater percentage of the consumer dollar for their produce, and the impact on farming must be considered when enacting legislation. The need is not for more regulation, but for adequate and consistent enforcement of existing laws.

At its last meeting, the Commission recommended the following legislative proposals:

AN ACT TO ALLOW THE LIMITED DISCLOSURE OF VETERINARY MEDICAL RECORDS IN THE DEPARTMENT OF AGRICULTURE.

AN ACT TO APPROPRIATE FUNDS TO TRANSFER THE DEPARTMENT OF AGRICULTURE EDUCATION FROM THE COLLEGE OF EDUCATION AND PSYCHOLOGY TO THE COLLEGE OF

AGRICULTURE AND LIFE SCIENCES AT NORTH CAROLINA STATE UNIVERSITY.

AN ACT TO CHANGE THE MEMBERSHIP ON THE AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION.

AN ACT TO LIMIT THE LIABILITY OF LANDOWNERS TO MEMBERS OF THE GENERAL PUBLIC ENTERING THE LAND FOR EDUCATIONAL RECREATIONAL PURPOSES.

AN ACT TO EXEMPT AGRICULTURAL TRAILERS FROM MOTOR VEHICLE LIGHTING REQUIREMENTS DURING DAYLIGHT HOURS.

Legislative Action on Interim Report Proposals

In its interim report, the Commission recommended six pieces of legislation to the General Assembly. Five of the six proposals were enacted or funded: (1) Senate Bill 1063 (Ch.905) providing an exception to the weight limitations on State highways for cotton-hauling vehicles; (2) House Bill 1335 (Ch. 868) providing limited immunity from negligence claims for farmers allowing persons on their property to glean crops; (3) Senate Bill 1066 (Ch. 785) changing the title of the Agriculture, Forestry, and Seafood Study Commission to delete "Seafood" from its title and scope of study; (4) Senate Joint Resolution 1068 (Res.55) commemorating 100 years of professional forestry in North Carolina; and (5) Senate Bill 1205 (Ch.1044, Sec. 4), providing funding for the completion of the Tidewater Research Station in Plymouth, North Carolina.

The one legislative proposal not enacted by the 1991 General Assembly (Regular Session 1992) involved an appropriation to fund the transfer of the Agriculture Education Program from the Department of Education and Psychology to the Department of Agriculture and Life Sciences at North Carolina State University. The Commission is recommending in this report that the 1993 General Assembly consider implementing the transfer of the program during the 1993-1994 fiscal year.

A more complete description of the legislative proposals can be found in the 1992 interim report of the Agriculture, Forestry and Seafood Commission available from the Legislative Librarian.

History of the Commission

The agriculture, forestry, and seafood industries have always played an essential and vital role in supporting both the rural and urban populations of North Carolina. Over the past decade, all of these industries have experienced severe financial setbacks and instability due to inclement weather, pollution problems, inflation, reduction in foreign exports, and other unavoidable circumstances. In order to insure that the agriculture, forestry, and seafood industries maintain their ability to produce for future needs, the 1983 General Assembly enacted HB 1169 (Chapter 914, 1983 Session Laws) which created the Agriculture, Forestry, and Seafood Awareness Study Commission. The Commission was successful from 1983 through 1985 in making findings and recommendations for the industries of agriculture, forestry, and seafood. Based on this success, the 1985 General Assembly permanently established the Agriculture, Forestry, and Seafood Awareness Study Commission in the law (Chapter 792, 1985 Session Laws) so it could continue to study these three industries. In 1989, the General Assembly established the permanent Joint Legislative Commission on Seafood and Aquaculture in the law (Chapter 802, 1989 Session Laws) to concentrate on the State's production, processing, and marketing of seafood. With the creation of the Commission on Seafood and Aquaculture, the Agriculture, Forestry, and Seafood Awareness and Study Commission has begun to focus its attention on the needs of the agriculture and forestry industries. (During the 1992 Regular Session of the 1991 General Assembly, legislation was passed, effective January 1, 1993, removing seafood from both the title and scope of study of the Commission.)

Commission's Charge

G.S. 120-154 authorizes the Agriculture, Forestry, and Seafood Awareness Study Commission to:

- * Study the influence of agriculture, forestry, and seafood on the economy of the State.
- * Develop alternative for increasing the public awareness of these industries.
- * Study the present status of the three industries.

- * Identify problems limiting the future growth and development of these industries.
- * Develop an awareness of the importance of science and technological development to the future of these industries.
- * Formulate plans for new State initiatives and support for these three industries and for the expansion of opportunities in these industries.

These duties form the foundation of the Agriculture, Forestry, and Seafood Awareness Study Commission's review of these industries and serve as a basis for its final recommendations.

Commission's Membership

The membership of the Commission includes citizens of North Carolina who are interested in the vitality of the agriculture, forestry, and seafood sectors of the State's economy. The Governor, the Lieutenant Governor, and the Speaker of the House of Representatives each appoint three members to this 16 member commission. The following individuals also serve on the Commission:

- * The Chair of the House Agriculture Committee.
- * The Chair of the Senate Agriculture Committee.
- * The Commissioner of Agriculture or his designee.
- * A member of the Board of Agriculture.
- * The President of the N. C. Farm Bureau or his designee.
- * The Master of the State Grange or his designee.
- * The Secretary to the Department of Environment, Health, and Natural Resources.

The Chair of the House Agriculture Committee and the Chair of the Senate Agriculture Committee serve as the co-chairs of the Agriculture, Forestry, and Seafood Awareness Study Commission.

COMMISSION PROCEEDINGS

The Agriculture, Forestry, and Seafood Awareness Study Commission met three times from September, 1992 through December, 1992. Two of the three meetings were held outside of Raleigh, North Carolina in order to give members of the agricultural community a better opportunity to address the Commission.

SEPTEMBER 1, 2, & 3, 1992

The Agriculture, Forestry and Seafood Awareness Study Commission held a three day meeting in Duplin County. Members and guests arrived at the Vintage Inn in Kenansville, North Carolina and boarded a bus at 1:30 p.m. for a trip to the New Duplin Tobacco Warehouse. The Paul Phillips family were the hosts and gave the group a tour of their new facility. Mr. Phillips indicated that tobacco was selling well and stated that economically, there is a multiplier effect of seven times the amount of money directly generated by tobacco. Tobacco tax revenue generates approximately ten to eleven billion dollars. Representative Thompson said the outlook for tobacco on the world market is good but it would help to export more and that we should have more free trade. Representative James spoke of the need for research to improve overall methods of crop production, and to develop food crops, which are also good cash crops, to feed the world. The Commission then traveled to the American Legion Building in Wallace, North Carolina for a public meeting. Representative James recognized Representative Charlie Albertson to chair the meeting.

Ms. Annabelle Fetterman, Chairman & CEO of The Lundy Packing Company in Clinton, Sampson County, North Carolina, spoke about her company's growth. She said that her father had recognized that North Carolina had much to offer for growing hogs - good water, available land, an excellent labor pool and a great climate. Lundy's has grown from processing 150-200 hogs per day in 1950 to over 8,000 per day presently. Most of these hogs come from North and South Carolina, some come from Georgia and a few are shipped from the Midwest.

Growth and research in the pork industry has produced "The Other White Meat." Ms. Fetterman stated that the meat type hog of today is 31% leaner than its counterpart

of a decade ago and that's why today's pork fits in with the dietary guidelines recommended by the American Heart Association and the National Education Program.

Lundy's has a Safety Committee to make recommendations for improvements, an Ergonomics Committee to watch out for motion injuries (carpal tunnel syndrome) and Lundy's Total Quality Assurance Team monitors drinking water as well as wastewater under city, state and federal standards. Ms. Fetterman stated that economic development in North Carolina depends on the regulations made in Raleigh. Agribusiness accounts for 1/3 of the economy of North Carolina. The State needs a healthy, growing, industry-oriented climate providing income opportunities and an environment in which to raise and educate families. She believes that regulations already in place are sufficient and that the Division of Environmental Management should enforce the current regulations. She suggested that the Soil Conservation Service could give added assistance to farmers and producers to help them develop plans for better environmental management.

In reply to questions from the members, Ms. Fetterman stated that they do buy directly from farmers, that they have a payroll of \$300,000 each week, and that they work hard to keep abreast of current laws and regulations.

Representative Albertson introduced Mr. Jack Williams, President Duplin Co. Farm Bureau. Mr. Williams was a member of the Advisory Committee to this Commission representing the Corn Growers Association. Mr. Williams stated that farmers need a better price for their commodity and that farmers need to be represented on more decision-making boards such as the Utilities Commission. Duplin County has an Organic Resources Committee working on related problems of poultry and hogs. Mr. Williams raised the issue of who will continue farming with so many young people leaving the farm. He commented that health care is a problem for farmers.

Representative James reminded the group that several years ago ethanol was being touted as an environmental solution and asked the current status. Mr. Williams explained that it is a political issue but it is still viable. Representative James said that it is tough to get people to serve with fewer people farming. He thanked Mr. Williams for serving on the Advisory Committee.

Representative Albertson introduced Mr. Paul Dew with the North Carolina Agribusiness Council. Mr. Dew said that North Carolina has the best Department of Agriculture and the best College of Agriculture and Life Science at North Carolina State University. One-third of the State's economy is agribusiness and we must work hard for

this industry. Concerns for agribusiness include environment, water, air, the economy, and jobs.

Next on the agenda was Mr. F.J. (Sonny) Faison, President of Carroll Foods. Carroll Foods is the largest turkey producer in North Carolina processing 80,000 turkeys/day. They are third largest in swine production, Murphy Farms being No. 1. He urged that we keep intact a friendly environment for agriculture and that they not be regulated beyond profits.

Ms. Danny Sue Kennedy, co-owner of Faison Fruit and Vegetable Exchange, explained that theirs was the largest private fruit and vegetable exchange in North Carolina and second largest in the U.S. It has been in operation since 1946. They provide a place for farmers to get a fair market price for their produce. They employ thirty people and handle 800,000 packages per year. She shared concern for farmers and noted that we are losing small farms. Ms. Kennedy said that they had federal inspectors work with them. She stated that labor is always a problem. Representative James suggested that she contact Mr. Wayne Miller with the N. C. Department of Agriculture. Mr. McLeod wanted to know how a Farmer's Market would impact this area. Ms. Kennedy replied that she did not like the idea, they can handle the volume.

Mr. Jim Stocker, General Manager for Murphy Farms, gave the Commission an overview of the swine industry. He noted that Murphy Farms has operations in Iowa and Missouri. He told of the changes of getting the hogs off the ground, breeding for leaner pork, and creating waste lagoons. They harvested 1.5 million acres of soybeans and 1 million acres of corn this year. They are working hard to handle the environmental pressures, for example, they try to place hog operations in isolated areas where there will not be complaints regarding odors.

Mr. Greg Morgan, City Executive of United Carolina Bank, stated that swine and poultry have a large impact in the banking industry. Swine and poultry have allowed farmers to diversify and increase their income and productivity. Tobacco, however, remains king. Total deposits in Duplin County are around 275 million dollars. Loan figures would be similar. These figures are for the nine financial institutions in Duplin County that he represents.

Representative Albertson next introduced Mary Wood, Dean of Academic Affairs at James Sprunt Community College. She spoke of the efforts to serve adult citizens of Duplin County with classes in workplace literacy. There has been a significant increase in the hispanic population in the area. She shared her pride in the Swine Management Technology Program and the support from the industry.

Representative Albertson welcomed North Carolina's Commissioner of Agriculture Jim Graham. Commissioner Graham thanked the Commission for their interest and activities in promoting agriculture. He pointed out the tremendous growth and development over the past 27 years. He urged legislation for support funds and animal health funds and noted the need to continue funding projects in environmental agribusiness. Representative James said there has not been enough done in marketing and research and he hopes this Commission will come up with recommendations.

Mr. Ed Emory, Duplin Co. Cooperative Extension Services, explained the cooperative effort to promote programs that teach people to put knowledge to work. This is supported by a three-way partnership: the U.S. Department of Agriculture, the State, and the county. They provide educational programs in four major areas: agriculture, 4-H and Youth Development, Home Economics, and Community and Rural Development. Those are supported by N.C. State University and N.C. AT&T University.

Wednesday, September 2, the Commission met at 8:30 for an all day field trip to view agricultural enterprises in the area. Stops were made at Cates Pickle Co. and the Vegetable and Fruit Exchange in Faison. Of special interest was Southern Produce's hydrocooling and thermal storage of sweet potatoes at the Iceberg Project in Faison, North Carolina. The Committee then went on to Carroll Farms to see a water quality demonstration project (BMP) for solid waste disposal. On the way the Commission viewed cotton fields and noted that more funds are needed for cotton research.

At Carolina Poultry Processing the group donned protective clothing and was guided through the plant. Carolina Poultry Processing is the largest such operation in the world and has a real impact on the area economy. It was brought out that the hispanic workers need housing, spanish classes, etc. and present a different set of issues.

During the afternoon swine facilities were visited with discussions on site selection, isolating diseases and odors. The Commission toured the facilities at Murphy Farms and the break at their headquarters was most welcome and appreciated. Carroll Farms also provided a tour of their administration building. For the evening session, a banquet was hosted by the Agribusiness Council.

The Thursday, September 3, breakfast meeting began at 8:30a at the Village Squire Inn. Representative Albertson thanked Ed Emory for the fine job he did on putting together this event. Representative James pointed out the value of this trip in seeing

first-hand the tobacco, hogs, poultry, vegetable and fruit processing facilities. He stressed the need for continued support for all agricultural endeavors.

Representative James explained that he would like to have the Division of Forestry within the Department of Agriculture. In many states, Forestry is under Agriculture or is a separate department. He requested the members to give some thought as to where it would be best located. Mr. Weatherly said that forestry is regulated now by the Soil Sedimentation Act. He cited N.C. Woodsmen and N.C. Forestry Association as groups that would oppose efforts to move the Division of Forestry from the Department of Environment, Health, and Natural Resources. There was some discussion regarding the use of forests and parks. Representative James asked the group to give consideration to this change. He also feels that the Soil and Water Division should be in the Agriculture Department.

It was learned through talking with Randy Stacker of Murphy Farms that they have to hire nutritionists and veterinarians from the midwest. It seems the veterinarians at N. C. State University are majoring mostly in small animals.

Representative James requested Mr. McLeod to look into the impact of the proposed Southeastern Farmer's Market. Mr. McLawhorn said that there is a need for more cooling facilities.

It was noted that some buyers from other states contact the N.C. Department of Agriculture to locate cattle and livestock. This could present a potential problem. Mr. Cyrus indicated that there is a similar situation with tobacco.

OCTOBER 20, 21, & 22, 1992

The Agriculture, Forestry and Seafood Awareness Study Commission met in Shelby, North Carolina for a three day meeting encompassing Cleveland and Rutherford Counties. Co-Chairman Representative Vernon James presided.

Members, guests and staff arrived at the Freedom Lodge for an evening meeting at 8:00 p.m. Representative James opened the meeting with introductions of members and guests. He explained the purpose of the Study Commission and turned the meeting over to Representative Lutz.

Mr. Greg Traywick, Cleveland County Extension Director spoke about the livestock industry in Western North Carolina. He showed statistics of estimated 1991 income from the sale of selected farm products. He explained pre-conditioned cattle sales and

noted that with pre-conditioned cattle there is less than 1% death loss. He also stated that the small producers of both beef and hogs have problems in marketing. Mr. Philpott indicated that the Farm Bureau has a facility to help secure markets for small producers. He shared a concern over what opening trade with Mexico will do to these growers. In answer to a question by Representative Albertson, it was explained that the area is still hay deficient and that the western region of North Carolina produces 33% of the total animal industry. In answer to another question, Mr. Traywick stated that the individual poultry growers are responsible for the composting of dead birds.

Mr. Steve Gibson, Cleveland County Extension Agent, said that they do not want any more concrete. They want land in agricultural production. He presented the book "NORTH CAROLINA AGRICULTURE, From the Mountains, to the Sea" for the Commission to have in the Raleigh office. This book was published by the North Carolina Association of County Agricultural Agents.

Mr. Gibson gave a summary on the status of field crops. He explained that the production of field crops in this area has been on a decline for several reasons. Price supports are the same as ten years ago and acreage was cut 15% by the 1990 Food, Agriculture, Conservation, and Trade Act. This particular area has low crop production per acre. Another problem is that the value of land for commercial or residential use far exceeds the value for farmland. It is hard for landowners to keep their land in crop production when they can realize so much more income from commercial or residential use. The ones who remain are truly dedicated farmers who accept the challenge to improve, use new technology and try to make things better. This is where the Extension Service fits in with advice, testing, and information.

Mr. John Stout, Agricultural Extension Agent, talked about horticulture in Cleveland County. Apples are the major crop in this area. Other fruit crops include peaches and berries. Vegetable production includes tomatoes, squash, sweet corn, green beans, melons, okra and southern peas. The combined income estimates for all vegetables runs 1.25 million for most seasons. Marketing is primarily through the state farmers' markets at Asheville and Charlotte, local markets in Shelby and Gastonia, roadside stands, wholesale outlets, and a Harris Teeter Regional Warehouse in Charlotte.

The ornamental horticultural industry includes container grown and nursery production of shrubs, trees, ground covers, bedding plants, hanging baskets and cut flowers. The value of production for all ornamental plants is estimated at 5 million. Production is centered among 20 growers and marketers, some of whom were formerly in traditional agricultural enterprises.

Mr. Stout explained that they are experimenting with different apple varieties. In the Cleveland County area, they cannot get the intense red color that can be achieved at higher elevations. He also spoke of dependance on weather conditions and problems involving restricted use pesticides.

Mr. Jim Boggs with the Soil Conservation Service gave an overview of the status of agriculture and forestry in the area. He stated that the N.C. Agricultural Cost Share Water Quality Program is one of the most efficient and effective programs for improving water quality from agricultural operations.

Mr. Philpott asked if they had the funds needed for implementation and technical assistance in the Cost-Share Program. Mr. Boggs said that there will be a continued need for support of cost share assistance with an increase in technical assistance. The deadline for farmers conservation plans is Dec. 31, 1994. 52% are applied to date with 66% of the acres completed to date. He stated that on the tour members would see some of the no-till cropland. The energy conservation tax break in North Carolina has enabled some farmers to purchase no-till equipment.

Mr. Boggs stated that they need condensed, detailed rules on the requirements of this law. Representative James asked if they had the funds to implement this law. Mr. Boggs stated that they needed more funds and an additional person for a few more years. Mr. Boggs spoke of the success being enhanced by the cooperation of the many different agencies involved.

Mr. Philpott discussed the fact that some requirements of the Cost Share Program may mean fencing animals out of some streams. This is of concern to Farm Bureau. Mr. Boggs said that if you assist in seeding grass on some erodible land, then the cattle must be fenced from the stream. Representative Thompson asked if more money is needed for Best Management Practices (BMP's). He stated that it has not increased in many years. Mr. Boggs replied that some money is available for Cost Share Programs but with the new requirements some more funds will be needed.

Mr. Craig Senter, District Forester with Bowater, gave a report on forestry and forest products in Western North Carolina. He stated that Bowater owned approximately 500,000 acres with an economic impact of \$250,000 paid each week for wood from the Mooresboro office alone. They harvest, site prepare and replant 1300 acres per year and in 1992 planted 886,000 trees on company lands in this one district. In their private Landowner Assistance Program, Bowater donated enough trees to reforest 13,020 acres. He spoke of other wood-using facilities and specialty markets for wood. Mr. Senter explained that forest products are big business in North Carolina and it will remain so as

long as we are responsible stewards of the resource. Not only does this mean reforestation but protection from insects such as the Southern Pine Beetle.

Representative Albertson wanted to know what the Legislature might do to encourage people to replant. Mr. Senter replied that it would take markets and economic incentives. There was discussion of penalties for not replanting. There is an income tax credit for participants who replant. Companies give away trees and encourage replanting. In discussing recycling, he pointed out that wood fibers could not be recycled indefinitely so virgin fiber is continuously added during the recycling process. There are two problems with recycling; steadiness of supply and contamination in the source. Bowater wholeheartedly supports recycling and is currently building two new plants.

Mr. Senter added that North Carolina is number one in the nation in furniture shipped. Further, the price of lumber is skyrocketing and the industry is feeling the effects of Hurricane Hugo.

Mr. Tommy Thompson, N. C. Forest Service in Asheville, gave a report on the western district. There was some discussion of the gypsy moth. This problem is a concern but apparently can be controlled. Presently, there is the worst infestation of the pine beetle in this area in eleven years. Insect infestation is a constant threat. He said the Forest Service needs money. It is costly to fly over and inspect woodlands and alert owners to a potential problem.

Representative James asked if they had a problem with dioxin discharged from the mill. They do not, but, if dioxin can be detected at all then a problem exists. Representative James mentioned the problem of some groups never wanting to harvest and that to be good stewards harvesting and replanting should be done.

9:00 a.m. Wednesday, October 21, 1992 Commission members and guests boarded vans for an all-day tour of agricultural interests in Cleveland and Rutherford Counties.

At the Blanton Farm, the group viewed 75 acres of no-till cotton that has been damaged by early frost. They are hopeful that with good weather much of the crop will be harvestable.

The next stop was the Killdeer Farm, a 65 acre pick-your-own fruits and vegetable farm. While enjoying refreshments, the group heard Ervin Lineberger describe how he gave up teaching at the Community College to farm full-time. Their love of the land was evident even while describing the difficulties they encounter. Mr. Lineberger believes that farmers do not get enough of the food dollar.

The group left at 11:15 in order to be at the home of Representative Edith Lutz by noon. After viewing the apple orchards, lunch was enjoyed by the group. Several farmers and county leaders were invited to lunch with the commission members.

At 2:00 p.m. there was a walking tour of the Piney Ridge Nursery. At 3:00 p.m. the group toured the Colfax Cotton Gin. At 4:00 p.m. the group arrived at South Mountain Pulpwood and Bowater where Craig Senter described the pulpwood operation and pointed out a fire ant Control treatment area. At 5:00 p.m. the vans arrived at the farm of Representative Jack Hunt. After viewing his cattle, the Commission and guests enjoyed a steak dinner at the Hunt lodge hosted by the Cattlemen's Association.

Representative James called the Commission to order at 9:00a on October 22, 1992, at Freedom Lodge in Shelby, North Carolina. He mentioned again the hard frost sustained by the cotton crop on Tuesday, October 20 and requested the Extension people to keep him informed about the outcome. Representative James noted that the two meetings away from Raleigh have been beneficial to the Commission in allowing them to see first hand operations in Agri-business and on the farms. He mentioned again the problem of marketing for small growers. Also, many small farmers are going out of business because of cost of machinery.

Representative James said that he hopes this Commission will be instrumental in getting funds for both research and marketing in our state. We are now reaping benefits from research done over the past fifty years and we must keep abreast of the problems and do a better job in research and creating new markets and improving traditional markets.

Other issues noted at the meeting included the further need within the Forest Service for more adequately trained people and equipment in the western part of the state to deal with forest fires, the gypsy moth problem, the fire ant problem, and trouble with bees. Representative Lutz pointed out the trachael mite problem in bees and noted that bees cannot be brought in from other states.

DECEMBER 29, 1992

The last meeting of the Agriculture, Forestry and Seafood Awareness Study Commission was held December 29, 1992 at 11:00 a.m. in Room 643, Legislative Office Building, Raleigh, North Carolina. Co-Chairmen Senator James Speed and Representative Vernon James presided. After introduction of members, Senator Speed asked for members to mention any concerns they might have on their minds.

Mr. McLawhorn expressed concern that farmers are losing rights due to county regulations. There was discussion on zoning laws and the infringement of metropolitan regulations on rural areas. There were several examples given of instances of this type of infringement. Rep. James suggested that Farm Bureau check into this situation. Senator Speed explained that the General Assembly has given local governments extensive power and if they are abusing this power, the General Assembly should do something about taking back some of this power.

Commission Counsel then presented the Commission report. All bills recommended by this Commission were passed by the General Assembly during the short session except the bill dealing with the transfer of the Agriculture Education Program from the College of Education of Psychology to the College of Agriculture and Life Sciences at North Carolina State University. The General Assembly was dealing with a tight budget and funding was not available.

Included in the draft of the final report is a bill entitled AN ACT TO ALLOW THE LIMITED DISCLOSURE OF VETERINARY MEDICAL RECORDS IN THE DEPARTMENT OF AGRICULTURE. This was requested by Mr. McLeod for the Department. Rep. Thompson requested this Commission endorse a bill to allow agricultural trailers an exemption to the light requirements during daytime. Specifically, thirty minutes after daylight to thirty minutes before dark. The vehicles would still need the yellow slow sign. Senator Speed moved and Mr. Philpott seconded that this be included in the report and the motion carried.

Mr. Philpott pointed out that there was a need for some technical changes in the Commission's authorizing legislation. During the short session legislation was passed to change the title to AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION. With "Seafood" removed as an area of study, the President of the Forestry Association or his designee should be added. Also, in 120-150 (10) The Secretary of DEHNR should also have authority to send his designee to the Commission.

Mr. Philpott moved, Senator Speed seconded and the motion carried for a bill to make these changes to be included in the report.

Senator Speed requested the endorsement of the Commission for a bill to transfer the School of Vocational Agriculture from the College of Psychology and Education to the College of Agriculture with sufficient funds appropriated. Discussion followed. Rep. James moved and Mr. Weatherly seconded and the motion was carried to include this bill in the report.

Mr. Weatherly moved the Commission endorse a bill identical to last session's HB 1082: LAND OWNER PROTECTION. The bill passed the House last session. Senator Speed seconded and the motion carried.

Representative Albertson moved that the Commission's report be approved as amended. Mr. Weatherly seconded and the motion carried. The report was approved.



COMMISSION FINDINGS AND RECOMMENDATIONS

The Commission on Agriculture, Forestry, and Seafood Awareness recommends the following legislative proposals to the 1993 General Assembly:

**AN ACT TO ALLOW THE LIMITED DISCLOSURE OF
VETERINARY MEDICAL RECORDS IN THE DEPARTMENT OF AGRICULTURE.**

**AN ACT TO APPROPRIATE FUNDS TO TRANSFER
THE DEPARTMENT OF AGRICULTURE EDUCATION FROM THE COLLEGE
OF EDUCATION AND PSYCHOLOGY TO THE COLLEGE OF AGRICULTURE
AND
LIFE SCIENCES AT NORTH CAROLINA STATE UNIVERSITY.**

**AN ACT TO CHANGE THE MEMBERSHIP OF THE
AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION.**

**AN ACT TO LIMIT THE LIABILITY OF LANDOWNERS
TO MEMBERS OF THE GENERAL PUBLIC ENTERING THE LAND FOR
EDUCATIONAL AND RECREATIONAL PURPOSES.**

**AN ACT TO EXEMPT AGRICULTURAL TRAILERS FROM
MOTOR VEHICLE LIGHTING REQUIREMENTS DURING DAYLIGHT HOURS.**





EXPLANATION OF LEGISLATIVE PROPOSAL I

Under this proposal, confidential information collected by the Department of Agriculture from farmers for the Department's animal health programs could be disclosed by the State Veterinarian when, in his discretion, such disclosure would aid implementation of the animal health programs.

The bill would become effective upon ratification.



LEGISLATIVE PROPOSAL II
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1993

S/H

D

93-RF-AFS2
THIS IS A DRAFT 22-JAN-93 15:23:49

Short Title: Funds For Ag. Ed. Dept. Transfer

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS TO MEET THE CAPITAL AND
3 OPERATIONAL COSTS OF TRANSFERRING THE DEPARTMENT OF
4 AGRICULTURE EDUCATION FROM THE COLLEGE OF EDUCATION
5 AND PSYCHOLOGY TO THE COLLEGE OF AGRICULTURE AND LIFE
6 SCIENCES AT NORTH CAROLINA STATE UNIVERSITY

7
8 Whereas, the Department of Agriculture Education at North Carolina State
9 University is currently located, both physically and administratively, in the
10 College of Education and Psychology; and

11 Whereas, the College of Agriculture and Life Sciences and the Department
12 of Agriculture Education faculty have requested that the Department be moved
13 to the College of Agriculture and Life Sciences; and

14 Whereas, nationally, a large majority of agriculture education programs are
15 located in colleges of agriculture and the trend has been both for established
16 agriculture education programs to be relocated and new programs to be located
17 in colleges of agriculture; and

18 Whereas, the relocation of the Department of Agriculture Education to the
19 College of Agriculture and Life Sciences would be in the best interests of
20 students enrolled in the Department in that they would obtain a stronger
21 foundation in agriculture and have enhanced career opportunities; and

22 Whereas, the ability of the Agriculture Education faculty to work with the
23 Future Farmers of America and the 4-H, and to provide service to secondary
24 education programs would be improved; and

LEGISLATIVE PROPOSAL II

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

1 Whereas, the program transfer has the support of the agricultural leaders of
2 the State including the N.C Agribusiness Council, the NCSU Agriculture
3 Education Advisory Council, and the N.C. Vocational Agriculture Teachers
4 Association;

5 Now therefore;

6 The General Assembly of North Carolina enacts:

7 Section 1. There is appropriated from the General Fund to the
8 Board of Governors of the University of North Carolina, for the 1992-1993
9 fiscal year, funds sufficient to effect the transfer at North Carolina State
10 University of the Department of Agriculture Education from the College of
11 Education and Psychology to the College of Agriculture and Life Sciences.

12 Sec. 2. This act becomes effective July 1, 1993, provided that if
13 the Board of Governors decides not to transfer the Department of Agriculture
14 Education, the funds appropriated in Section 1 of this act shall not be
15 expended.

EXPLANATION OF LEGISLATIVE PROPOSAL II

Legislative proposal II requests the General Assembly to appropriate sufficient funds to effect the transfer of the Department of Agriculture Education from the College of Education and Psychology to the College of Agriculture and Life Sciences at North Carolina State University. The transfer of Agriculture Education to the College of Agriculture is consistent with national trends and would provide both faculty and students with greater resources in agriculture and greater professional opportunities.

Should the Board of Governors of the University of North Carolina decide not to transfer the Department of Agriculture, the funds appropriated would not be expended.

The act becomes effective July 1, 1993.



LEGISLATIVE PROPOSAL III
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1993

S/H

D

93-RF-AFS3
THIS IS A DRAFT 22-JAN-93 15:23:51

Short Title: Ag. & Forestry Comm. Changes.

(Public)

Sponsors:

Referred to:

- 1 **A BILL TO BE ENTITLED**
2 **AN ACT TO CHANGE THE MEMBERSHIP OF THE COMMISSION ON**
3 **AGRICULTURE AND FORESTRY AWARENESS.**
4 Section 1. G.S. 120-150 reads as rewritten:
5 **§ 120-150. Creation; appointment of members.** There is created an
6 Agriculture and Forestry Awareness Study Commission. Members of the
7 Commission shall be citizens of North Carolina who are interested in the
8 vitality of the agriculture and forestry sectors of the State's economy. Members
9 shall be as follows:
10 (1) Three appointed by the Governor;
11 (2) Three appointed by the President of the Senate;
12 (3) Three appointed by the Speaker of the House;
13 (4) The chairman of the House Agriculture Committee;
14 (5) The chairman of the Senate Agriculture Committee;
15 (6) The Commissioner of Agriculture or his designee;
16 (7) A member of the Board of Agriculture designated by the
17 chairman of the Board of Agriculture;
18 (8) The President of the North Carolina Farm Bureau Federation,
19 Inc., or his designee;
20 (9) The Master of the North Carolina State Grange or his
21 designee; and
22 (10) The Secretary of the Department of Environment, Health, and
23 Natural Resources, Resources or his designee; and
24 (11) The President of the North Carolina Forestry Association or
25 his designee.

LEGISLATIVE PROPOSAL III

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

- 1 Members shall be appointed for two-year terms beginning October 1 of each
- 2 odd-numbered year. The cochairmen of the Commission shall be the chairmen
- 3 of the Senate and House Agriculture Committees respectively.
- 4 Sec. 2. This act becomes effective upon ratification.

EXPLANATION OF LEGISLATIVE PROPOSAL III

During the 1992 Regular Session of the 1991 General Assembly, legislation was passed that changed the title and scope of the Agriculture, Forestry, and Seafood Awareness Study Commission by deleting seafood. The change was sought as the result of the creation of another study commission focusing on seafood issues.

With the focus of the Commission's work being narrowed to agriculture and forestry, it appears advisable to add a representative of the forestry industry to the Commission's membership. The bill proposes that the additional member be the president of the North Carolina Forestry Association or his designee. The bill also provides that the Secretary of the Department of Environment, Health, and Natural Resources, who is currently a member of the Commission, be authorized to send his designee to serve on the Commission. This change would make the Secretary's membership consistent with all other members appointed to the Commission.

The act becomes effective upon ratification.



LEGISLATIVE PROPOSAL IV
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

S/H

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94-RF-AFS4
THIS IS A DRAFT 26-JAN-93 15:26:24

Short Title: Landowner Protection.

(Public)

Sponsors:

Referred to:

- 1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE LIABILITY OF LANDOWNERS TO MEMBERS
3 OF THE PUBLIC ENTERING THE LAND FOR EDUCATIONAL AND
4 RECREATIONAL PURPOSES.
5 The General Assembly of North Carolina enacts:
6 Section 1. The General Statutes are amended by adding a new
7 Chapter to read:
8 "Chapter 38A.
9 "Landowner Liability.
10 "§ 38A-1. Purpose.
11 The purpose of this Chapter is to encourage owners of land to make land
12 and water areas available to the public for educational and recreational
13 purposes by:
14 (1) Limiting the liability of the owner to persons entering the
15 land for those purposes;
16 (2) Ensuring that through making one's land available for
17 educational and recreational purposes, an owner need not be
18 subjected to waste or a financial burden; and

LEGISLATIVE PROPOSAL IV

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1991

1 "§ 38A-2. Definitions.

2 The following definitions shall apply throughout this Chapter, unless
3 otherwise specified:

- 4 (1) 'Charge' means a price or fee asked for services,
5 entertainment, recreation performed, or products offered for
6 sale on land or in return for an invitation or permission to
7 enter upon land, except as otherwise excluded in this Chapter.
8 (2) 'Educational purpose' means any activity undertaken as part
9 of a formal or informal educational program, and viewing
10 historical, natural, archaeological, or scientific sites.
11 (3) 'Land' means real property, land, and water, other than any
12 real property, land, and water that are appurtenant to a
13 private residence
14 (4) 'Owner' means any individual, legal entity, or governmental
15 entity, and any employee or agent, that has any fee or
16 security.
17 (5) 'Recreational purpose' means any activity undertaken for
18 recreation, exercise, education, relaxation, refreshment,
19 diversion, or pleasure.

20 "§ 38A-3. Exclusions.

21 For purposes of this act, the term 'charge' does not include:

- 22 (1) Unless otherwise agreed in writing, any lease, dedication,
23 license, or easement, or the proceeds thereof, by an owner of
24 land to a nonprofit organization or governmental entity for
25 educational or recreational purposes.
26 (2) Any action taken by a person, legal entity, nonprofit
27 organization or governmental entity other than the owner, or
28 any monetary contribution made, in either event, whether or
29 not sanctioned or solicited by the owner, the purpose of
30 which is to (i) improve access to land for educational or
31 recreational purposes; (ii) remedy damage to land caused by
32 educational or recreational use; or (iii) provide warning of
33 hazards on, or remove hazards from, land used for
34 educational or recreational purposes.
35 (3) Unless otherwise agreed in writing or otherwise provided by
36 the State or federal tax codes, any property tax abatement or
37 relief received by the owner from the State or local taxing
38 authority in exchange for the owner's agreement to open the
39 land for educational or recreational purposes.
40 (4) Unless otherwise agreed in writing, any contribution in kind,
41 services or cash paid to reduce or offset costs and eliminate
42 losses from educational or recreational use.

43 "§ 38A-4. Limitation of liability.

LEGISLATIVE PROPOSAL IV

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1991

1 Except as specifically recognized by or provided for in this act, an owner of
2 land who either directly or indirectly invites or permits without charge any
3 person to use such land for educational or recreational purposes owes the
4 person the same duty of care that he owes a trespasser."

5 Sec. 2. This act is effective Oct 1, 1993 and applies to all causes of
6 action arising after that date.

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EXPLANATION OF LEGISLATIVE PROPOSAL IV

Legislative Proposal IV was originally introduced in the 1991 General Assembly by Representative Anderson as House Bill 1082. The Commission believes that the 1993 General Assembly should consider again passage of this legislation.

The bill would add a new chapter to the General Statutes providing that a landowner who directly or indirectly invites or permits a person to use his land for educational or recreational purposes without charge, owes that person the same degree of care he would owe a trespasser.

Proposed G.S. 38A-1 provides definitions for key terms used in proposed Chapter 38A. Among the terms defined is that of "charge." For purposes of the Chapter, "charge" means a price or fee asked for services, entertainment or other activities, in return for an invitation or permission to enter onto the land.

G.S. 38A-2 provides exclusions. Among these are the provision that charge does not include a lease, dedication, license, or easement, or the proceeds thereof, by an owner of land to a nonprofit corporation or governmental agency. When considered along with the definition of "charge" it appears that owners remain protected if they charge a nonprofit corporation or governmental entity but not if they charge individuals for entry onto the land.

The bill becomes effective October 1, 1993.



LEGISLATIVE PROPOSAL V

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1991

LEGISLATIVE PROPOSAL V

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S/H

D

93-RF-AFS5

THIS IS A DRAFT 26-JAN-93 15:26:28

Short Title: Lighting requirements for ag trailers.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXEMPT AGRICULTURAL TRAILERS FROM MOTOR
VEHICLE LIGHTING REQUIREMENTS DURING DAYLIGHT HOURS.

The General Assembly of North Carolina enacts:

Section 1. Part 9, Article 3 of Chapter 20 of the General Statutes
is amended by adding a new section to read:

§20-129.1A. Lighting exemption for farm trailers.

(a) Trailers attached to and drawn by either a farm tractor or other motor
vehicle shall not be required to be equipped with any lamps required under this

Part, including directional signals, rear lamps, stop lamps, marker lamps,
clearance lamps, or other auxiliary lamps, when all of the following conditions
are met:

(1) The trailer is being used by a farmer, his tenant, agent, or
employee in transporting his own farm implements, farm
supplies, or farm products.

(2) The trailer is used during the period between sunrise and
sunset;

(3) There is sufficient light to render clearly discernible any
person on the highway at a distance of 400 feet ahead; and

(4) Weather conditions do not require the use of windshield
wipers, including intermittent use because of fog or misting
rain, sleet, or snow.

(b) Trailers operated without lamps under this exemption shall be equipped
with a warning placard as required by rules adopted by the Department to
implement this subsection.

LEGISLATIVE PROPOSAL V

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1991

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2

Sec. 2. This act shall become effective October 1, 1993.

EXPLANATION OF LEGISLATIVE PROPOSAL V

Legislative Proposal V provides a broad exemption for all farm trailers from electrical lighting requirements including brake lights. To qualify for the exemption the trailer must be operated under circumstances meeting all of the following conditions:

- (1) The trailer must be operated by a farmer, his tenant, agent, or employee to transport his own farm implements, farm supplies, or farm products.
- (2) The trailer must be used during the period between sunrise and sunset;
- (3) There must be sufficient light to render clearly discernible any person on the highway at a distance of 400 feet ahead; and
- (4) Weather conditions do not require the use of windshield wipers, including intermittent use because of fog or misting rain, sleet, or snow.

When farmers choose to use a trailer under the exemption, the trailer must carry a warning placard. The Department of Transportation is directed to adopt rules to implement the warning placard requirement.

The act becomes effective October 1, 1993.



APPENDIX A

§ 120-150. Creation; appointment of members. There is created an Agriculture, Forestry, and Seafood Awareness Study Commission. Members of the Commission shall be citizens of North Carolina who are interested in the vitality of the agriculture, forestry, and seafood sectors of the State's economy. Members shall be as follows:

- (1) Three appointed by the Governor;
- (2) Three appointed by the President of the Senate;
- (3) Three appointed by the Speaker of the House;
- (4) The chairman of the House Agriculture Committee;
- (5) The chairman of the Senate Agriculture Committee;
- (6) The Commissioner of Agriculture or his designee;
- (7) A member of the Board of Agriculture designated by the chairman of the Board of Agriculture;
- (8) The President of the North Carolina Farm Bureau Federation, Inc., or his designee;
- (9) The Master of the North Carolina State Grange or his designee; and
- (10) The Secretary of the Department of Environment, Health, and Natural Resources.

Members shall be appointed for two-year terms beginning October 1 of each odd-numbered year. The cochairmen of the Commission shall be the chairmen of the Senate and House Agriculture Committees respectively. (1985, c. 792, s. 20.1; 1989, c. 727, s. 218(81).)

§120-151. Advisory Committee.

Upon proper motion and by a vote of a majority of the members present, the Commission may appoint an Advisory Committee. Members of the Advisory Committee should be from the various organizations, commodity groups, associations, and councils representing agriculture, forestry, and seafood. The purpose of the Advisory Committee shall be to render technical advice and assistance to the Commission. The Advisory Committee shall consist of no more than 20 members plus a chairman who shall be appointed by the cochairmen of the Commission. (1985, c. 792, s. 20.1.)

§120-152. Subsistence and travel expenses.

The members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances at the rate set forth in G.S. 120-3.1. Members who are officials or employees of the State of North Carolina shall receive subsistence and travel allowances at the rate set forth in G.S. 138-6. All other members plus the Chairman of the Advisory Committee shall be paid the per diem allowances at the rates set forth in G.S. 138-5. Other members of the Advisory Committee shall serve on a voluntary basis and not receive subsistence and travel expenses. (1985, c. 792, s. 20.1.)

§120-153. Facilities and staff.

The Commission may hold its meetings in the State Legislative Building with the approval of the Legislative Services Commission. The Legislative Services Commission shall provide necessary professional and clerical assistance to the Commission. (1985, c. 792, s. 20.1.)

§120-154. Duties.

The Commission shall bring to the attention of the General Assembly the influence of agriculture, forestry, and seafood on the economy of the State, develop alternatives for

increasing the public awareness of agriculture, forestry, and seafood, study the present status of agriculture, forestry, and seafood, identify problems limiting future growth and development of the industry, develop an awareness of the importance of science and technological development to the future of agriculture, forestry, and seafood industries, and formulate plans for new State initiatives and support for agriculture, forestry, and seafood and for the expansion of opportunities in these sectors.

In conducting its study the Commission may hold public hearings and meetings across the State.

The Commission shall report to the General Assembly at least one month prior to the first regular session of each General Assembly.

APPENDIX B

**CHAPTER 754
SENATE BILL 917**

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, TO DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES, AND TO MAKE OTHER AMENDMENTS TO THE LAW.

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 1991."

.....

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1991 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The topics are:

- (15) Turfgrass and Forage Assessment, including the issue of allowing producers and others in the industry to levy upon themselves an assessment for the purpose of generating funds for research and educational activities relating to the use of turfgrass and forage (H.B. 633 - James, S.B. 702 - Murphy),

Sec. 2.7. Committee Membership. For each Legislative Research Commission Committee created during the 1991-93 biennium, the cochairs of the Commission shall appoint the Committee membership.

Sec. 2.8. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1992 Regular Session of the 1991 General Assembly or the 1993 General Assembly, or both.

Sec. 2.9. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.10. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

.....

PART XXI.-----EFFECTIVE DATE

Sec. 21.1. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1991.



APPENDIX C

COMMISSION ON AGRICULTURE, FORESTRY, AND SEAFOOD AWARENESS MEMBERSHIP - 1991-1993

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